

# Union Calendar No. 441

106TH CONGRESS  
2D SESSION

# H. R. 4744

[Report No. 106-772]

To require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2000

Mrs. KELLY (for herself and Mr. McINTOSH) introduced the following bill;  
which was referred to the Committee on Government Reform

JULY 20, 2000

Additional sponsors: Mr. ARMEY, Mr. WAMP, Mr. TALENT, Mr. DOOLITTLE,  
Mr. CAMPBELL, Mr. BARCIA, Mr. WELDON of Pennsylvania, Mr. RYAN  
of Wisconsin, Mr. HOEKSTRA, and Mr. LEWIS of Kentucky

JULY 20, 2000

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

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## A BILL

To require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Truth in Regulating  
3 Act of 2000”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5       (a) FINDINGS.—Congress finds that—

6           (1) many Federal regulations have improved  
7 the quality of life of the American public, however,  
8 uncontrolled increases in regulatory costs and lost  
9 opportunities for better regulation should not be  
10 continued;

11           (2) the legislative branch has a responsibility to  
12 ensure that laws passed by Congress are properly  
13 implemented by the executive branch; and

14           (3) in order for the legislative branch to fulfill  
15 its responsibilities to ensure that laws passed by  
16 Congress are implemented in an efficient, effective,  
17 and fair manner, the Congress requires accurate and  
18 reliable information on which to base decisions.

19       (b) PURPOSES.—The purposes of this Act are to—

20           (1) increase the transparency of important reg-  
21 ulatory decisions;

22           (2) promote effective congressional oversight to  
23 ensure that agency rules fulfill statutory require-  
24 ments in an efficient, effective, and fair manner; and

25           (3) increase the accountability of Congress and  
26 the agencies to the people they serve.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the term—

3 (1) “agency” has the meaning given such term  
4 under section 551(1) of title 5, United States Code;

5 (2) “economically significant rule” means any  
6 proposed or final rule, including an interim or direct  
7 final rule, that may have an annual effect on the  
8 economy of \$100,000,000 or more or adversely af-  
9 fect in a material way the economy, a sector of the  
10 economy, productivity, competition, jobs, the envi-  
11 ronment, public health or safety, or State, local, or  
12 tribal governments or communities, or for which an  
13 agency has prepared an initial or final regulatory  
14 flexibility analysis pursuant to section 603 or 604 of  
15 title 5, United States Code; and

16 (3) “independent evaluation” means a sub-  
17 stantive evaluation of the agency’s and the public’s  
18 data, methodology, and assumptions used in devel-  
19 oping the economically significant rule, and any ad-  
20 ditional evaluation that the Comptroller General de-  
21 termines to be necessary, including—

22 (A) an explanation of how any strengths or  
23 weaknesses in those data, methodology, and as-  
24 sumptions support or detract from conclusions  
25 reached by the agency; and

1 (B) the implications, if any, of those  
2 strengths or weaknesses for the rulemaking.

3 **SEC. 4. REPORT ON RULES.**

4 (a) IN GENERAL.—

5 (1) REQUEST FOR REVIEW.—When an agency  
6 publishes an economically significant rule, a chair-  
7 man or ranking member of a committee of jurisdic-  
8 tion of either House of Congress may request the  
9 Comptroller General of the United States to review  
10 the rule.

11 (2) REPORT.—The Comptroller General shall  
12 submit a report on each economically significant rule  
13 selected under paragraph (4) to the committees of  
14 jurisdiction in each House of Congress not later  
15 than 180 calendar days after a committee request is  
16 received, or in the case of a request for review of a  
17 notice of proposed rulemaking or an interim final  
18 rulemaking, by not later than the end of the 60-cal-  
19 endar-day period beginning on the date the com-  
20 mittee request is received, or the end of the period  
21 for submission of comment regarding the rule-  
22 making, whichever is later. The report shall include  
23 an independent evaluation of the economically sig-  
24 nificant rule by the Comptroller General.

1           (3) INDEPENDENT EVALUATION.—The inde-  
2       pendent evaluation of the economically significant  
3       rule by the Comptroller General under paragraph  
4       (2) shall include—

5           (A) an evaluation of the potential benefits  
6       of the rule, including any beneficial effects that  
7       cannot be quantified in monetary terms and the  
8       identification of the persons or entities likely to  
9       receive the benefits;

10          (B) an evaluation of the potential costs of  
11       the rule, including any adverse effects that can-  
12       not be quantified in monetary terms and the  
13       identification of the persons or entities likely to  
14       bear the costs;

15          (C) an evaluation of any alternative ap-  
16       proaches that could achieve the same goal in a  
17       more cost-effective manner or that could pro-  
18       vide greater net benefits, and, if applicable, a  
19       brief explanation of any statutory reasons why  
20       such alternatives could not be adopted;

21          (D) an evaluation of the regulatory impact  
22       analysis, federalism assessment, or other anal-  
23       ysis or assessment prepared by the agency or  
24       required for the economically significant rule;  
25       and

1 (E) a summary of the results of the eval-  
2 uation of the Comptroller General and the im-  
3 plications of those results, including an evalua-  
4 tion of any changes from the proposed rule  
5 made by the agency in the final rule.

6 (4) PROCEDURES FOR PRIORITIES OF RE-  
7 QUESTS.—In consultation with the Majority and Mi-  
8 nority Leaders of the Senate and the Speaker and  
9 Minority Leader of the House of Representatives,  
10 the Comptroller General shall develop procedures for  
11 determining the priority and number of those re-  
12 quests for review under paragraph (1) that will be  
13 reported under paragraph (2). The procedures shall  
14 give the highest priority to requests regarding a no-  
15 tice of proposed rulemaking, and to requests regard-  
16 ing an interim final rulemaking.

17 (b) AUTHORITY OF COMPTROLLER GENERAL.—Each  
18 agency shall promptly cooperate with the Comptroller  
19 General in carrying out this Act. Nothing in this Act is  
20 intended to expand or limit the authority of the General  
21 Accounting Office.

22 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Gen-  
24 eral Accounting Office to carry out this Act \$5,200,000  
25 for each of fiscal years 2001 through 2003.

1 **SEC. 6. EFFECTIVE DATE; SUNSET PROVISION.**

2 (a) EFFECTIVE DATE.—This Act shall take effect  
3 180 days after the date of enactment of this Act.

4 (b) SUNSET PROVISION.—This Act shall not apply  
5 with respect to rules published on or after the date that  
6 is 3 years after the effective date of this Act.

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